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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,643	03/08/2004	Percival C. Banks	Banks 0401	2231
7590 H. Michael Brucker Suite 110 5855 Doyle Street Emeryville, CA 94608	03/11/2008		EXAMINER YOO, REGINA M	
			ART UNIT 1797	PAPER NUMBER
			MAIL DATE 03/11/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/796,643	BANKS, PERCIVAL C.	
	<b>Examiner</b>	<b>Art Unit</b>	
	REGINA YOO	1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 February 2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6, 13 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6, 13 and 15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/07/2008 has been entered.

### ***Response to Amendment***

2. The amendment filed on 2/07/2008 has been received and claims 1-6, 13 and 15 are pending.

### ***Specification***

3. The disclosure is objected to because of the following informalities:  
- page 4, 2<sup>nd</sup> paragraph, line 5 of the amendment indicates the holes by reference number "234", which is mistyped from "24";  
- page 5, 2<sup>nd</sup> paragraph, 6<sup>th</sup> line of the amendment, "vent 11" is incorrectly referred to. It appears that the vent here should be indicated by the reference number 23.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Specifically, the limitation that “a seal surrounding both the vent and said cover vent” does not find support as the Specification only discloses that the seal is formed around the vent (see p. 4 lines 15-16 and p. 5 lines 10-11, 17-19 and 29-30).

6. Claim 5 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Specifically, the limitation that “a distance greater than the thickness of the filter” is provided between the container vent and the cover vent does not find support as the Specification only discloses that a space is established when the filter cover and the vent planar member are engaged (see Specification p. 5 lines 20-24).

In addition, the limitation that “lateral” movement of sterilization media is not supported as the sterilant appears to be moving longitudinally from outside to within the sterilization container in Figure 6.

7. Claim 15 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Specifically, the limitation that “the vent planar member is in a removable container lid” does not find written description support within the Specification, since “the vent planar member” is attempting to describe the sterilization container lid and thus it cannot be “in a removable container lid”.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 1 recites the limitation "the container planar members" in line 3. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically it is not clear in the last line of the claim which vent “the vent” is referring to.

11. Claim 4 recites the limitation "the container vent planar members" in line 2.

There is insufficient antecedent basis for this limitation in the claim.

12. Claim 6 recites the limitation "the container planar members" in line 2. There is insufficient antecedent basis for this limitation in the claim as the container vent is located in the vent planar member.

### ***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

15. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams (4915913) in view of Lorenz (4551311).

As to Claims 1-3, Williams ('913) discloses a vent filter seal for a sterilization container (2) having planar members (60, 6, 85) that enclose an interior space (space inside the sterilization container where B is located) wherein one of the container planar

members is a vent planar member (60) that is generally flat member (see Figures 4-5) that has an interior surface (surface facing the sheet filter 85) and an exterior surface (surface facing basket B) (see Figures 4-5) and a container vent (62, 64) through which sterilization media can pass through the vent planar member (60) into the interior space of the container (2) and a sheet filter (85) inside the container (2) covering the container vent (62, 64) (see Figures 4-5 and Col. 6 lines 2-17) comprising:

a vent recess (65) within the vent planar member (60) surrounding the container vent (62, 64) wherein said vent recess (65) is concave relative to the vent planar member (60) interior surface (surface facing the sheet filter 85), a protective vent ridge (opposite side of the vent recess 65) extending above the exterior surface (surface facing basket B) and surrounding the container vent (62, 64) and said sheet filter (85) is disposed over the interior surface and extends over said vent recess (65) and the container vent (62, 64) (see Figures 4-5); and

a generally planar filter cover (6) having a planar surface (see Figures 4-5) and a cover vent (46, 48) with a cover ridge (top side of 47) in said planar surface surrounding the cover vent (46, 48) (see Figures 4-5) wherein said cover ridge (top side of 47) is coextensive with said vent recess (65) and sized to at least partially fit into said vent recess (65) whereby said filter cover (6) is capable of being forced against said sheet filter (85) thereby forming a seal surrounding both the container vent (62, 64) and cover vent (46, 48).

Williams ('913) does not appear to specifically teach that a gasket is secured wholly within said vent recess where it is protected against damage or that said sheet filter is forced against said gasket to form a seal.

It was known in the art at the time of invention to provide a gasket is secured wholly within a vent recess where it is protected against damage and a sheet filter is forced against the gasket to form a seal. Lorenz ('311) discloses a vent filter seal for a sterilization container (10, 12) having planar members (12, 14, 18) (see Figures 1-17) wherein one of the container planar members is a vent planar member (14) that is a generally flat member that has an interior surface and an exterior surface and a container vent (16) through which sterilization media can pass through the vent planar member into the interior space of the container (10, 12) and a sheet filter (18) inside the container covering the container vent (16) comprising:

a vent recess (24 with 22 and 26 as sides) within the vent planar member (14) surrounding the container vent (16),

wherein a gasket (52) is secured wholly within said vent recess (24 with 22 and 26 as sides) where it is protected against damage (see Figure 4), and

a generally planar filter cover (12) having a planar surface,

in order to press the filter sheet against the opposite surface to form a seal and thus preventing the passage of microbial contamination underneath filter sheet (see Figure 4 and Col. 4, lines 1-10 and 59-68).

It would have been obvious to one of ordinary skill in this art at the time of invention to provide a gasket in the vent recess of the vent filter seal of Williams in order

to prevent entry of microbial contamination to the interior of the sterilization container when a filter sheet is pressed against surfaces of the planar members to form a seal as shown by Lorenz.

As to Claims 1 and 15, Williams ('913) discloses a vent filter seal for a sterilization container (2) having planar members (C, 70, 85) that enclose an interior space (see entire document, particularly Figures 1-14) wherein one of the container planar members is a vent planar member (C) in a removable container lid (C) that is a generally flat member that has an interior surface and an exterior surface and a container vent (50, 52) through which sterilization media can pass through the vent planar member into the interior space of the container and a sheet filter (85) inside the container (2) (see Figures 4 and 6) covering the container vent (50, 52) comprising:

a vent recess (54) within the vent planar member (C) surrounding the container vent (50, 52) wherein said vent recess (54) is concave relative to the vent planar member exterior surface (see Figures 1 and 4-6) and said sheet filter (85) is disposed over the interior surface and extends over said vent recess (54) and the container vent (50, 52) (see Figures 4 and 6) and a protective vent ridge extending above the opposite side of the vent recess surrounding the container vent (50, 52) (see Figures 1 and 4-6); and

a generally planar filter cover (70) having a planar surface and a cover vent (72, 74) with a cover ridge (opposite side of the recess/groove 77) in said planar surface surrounding the cover vent (72, 74) wherein said cover ridge (opposite side of the

recess/groove 77) is coextensive with said vent recess (54) and sized at least partially to fit with said vent recess (54) (see entire document, particularly Col. 5, lines 58-62) whereby when said filter cover (70) is operatively secured in place, said cover ridge (opposite side of the recess/groove 77) is capable of being forced against the sheet filter (85) which, in turn, is forced against said gasket thereby forming a seal surrounding both the container vent (50, 52) and said cover vent (72, 74) (see Figures 4 and 6).

Williams ('913) does not appear to specifically teach that the vent recess (54) is concave relative to the interior surface of the vent planar member nor a gasket is secured wholly within said vent recess where it is protected against damage and is exposed when the filter cover is removed to change the filter, or that said sheet filter is forced against said gasket to form a seal.

As to the limitation that the vent recess (54) is concave relative to the interior surface of the vent planar member, Williams ('913) discloses a mirror-image/opposite configuration of what is claimed. It was well known in the art at the time of invention to provide a recess in either configuration. Lorenz ('311) discloses a protective ridge (see Figures 10-12) extending above the exterior surface of a vent planar member (12), which provides a vent recess on the opposite side of the protective ridge that is concave relative to the interior surface of the vent planar member (12), in order to provide a means to register the base flanges on the container bottom to afford a degree alignment when the sterilization containers are stacked (see entire document, particularly Col. 5

lines 51-54). It would have been obvious to one of ordinary skill in this art at the time of invention to provide a vent recess that is concave relative to the interior surface of the vent planar member in the device of Williams in order to provide an alignment means for stacking multiple sterilization containers vertically as shown by Lorenz.

As to the limitations that a gasket is secured wholly within said vent recess where it is protected against damage and is exposed when the filter cover is removed to change the filter and that said sheet filter is forced against said gasket to form a seal, it was known in the art at the time of invention to provide a gasket is secured wholly within a vent recess where it is protected against damage and a sheet filter is forced against the gasket to form a seal.

Lorenz ('311) discloses a vent filter seal for a sterilization container (10, 12) having planar members (12, 14, 18) (see Figures 1-17) wherein one of the container planar members is a vent planar member (14) that is a generally flat member that has an interior surface and an exterior surface and a container vent (16) through which sterilization media can pass through the vent planar member into the interior space of the container (10, 12) and a sheet filter (18) inside the container covering the container vent (16) comprising:

a vent recess (24 with 22 and 26 as sides) within the vent planar member (14) surrounding the container vent (16),

wherein a gasket (52) is secured wholly within said vent recess (24 with 22 and 26 as sides) where it is protected against damage (see Figure 4), and

a generally planar filter cover (12) having a planar surface, wherein said gasket is exposed when said filter cover (12, 48) is removed to change the filter (18), in order to press the filter sheet against the opposite surface to form a seal and thus preventing the passage of microbial contamination underneath filter sheet (see Figure 4 and Col. 4, lines 1-10 and 59-68).

It would have been obvious to one of ordinary skill in this art at the time of invention to provide a gasket in the vent recess of the vent filter seal of Williams in order to prevent entry of microbial contamination to the interior of the sterilization container by pressing a filter sheet against a gasket to form a seal as shown by Lorenz.

Thus, Claims 1-3 and 15 would have been obvious within the meaning of 35 U.S.C. 103(a) over the combined teachings of Williams ('913) and Lorenz ('311).

16. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams (4915913) in view of Lorenz (4551311) as applied to claim 1 above, and further in view of Gabriel (6041741).

Williams ('913) and Lorenz ('311) are relied upon for disclosure described in the rejection of claim 1 under 35 U.S.C. 103(a).

As to Claim 4, while Williams ('913) discloses a locking mechanism (80, 69) securing said filter cover (6) onto the container vent planar member (60) (see Figures 4-5 and 9 and Col. 5, line 12 to Col. 6, line 2), Williams ('913) does not appear to

specifically teach that the locking mechanism urges said cover ridge into said vent recess with a positive force as the locking mechanism as disclosed appears to maintain the filter cover and the vent planar member at a fixed distance apart by attaching the two through a common member (shoulder portions 68, 76) and by utilizing this common member to prevent dislodging of one of the members relative to one another. However, it was well known in the art and also well within the purview of one of ordinary skill at the time of invention to locate such form of common member at any desired position and provide the common member closer to the vent planar member such that the cover ridge of the filter cover is urged into said vent recess with a positive force as an alternate means of ensuring that the two members are retained in a correct/desired position.

Moreover, it was well known in the art at the time of invention to provide a locking mechanism that secures a filter cover onto a container vent planar member by urging a cover ridge against a sheet filter and a vent planar member with a positive force. Gabriel ('741) exemplifies a vent filter seal for a container (1) having planar members (5, 7, 9) that enclose an interior space (within 12) (see Figure 2) wherein one of the container planar members is a vent planar member (5) that is a generally flat member that has an interior surface and an exterior surface and a container vent (64) through which sterilization media can pass through the vent planar member (5) into the interior space of the container (1) and a sheet filter (7) inside the container covering the container vent (64) comprising:

a generally planar filter cover (9) having a planar surface and a cover vent (62) with a cover ridge (41) in said planar surface surrounding the cover vent (62) wherein when said cover ridge (41) is forced against said sheet filter thereby forming a seal surrounding both the container vent (64) and cover vent (62); and

a locking mechanism (11, 13) securing said filter cover (9) onto the container vent planar member (5) and urging said cover ridge (41) against a vent track (6) on the vent planar member with a positive force,

in order to secure the filter in place against the top surface of the filter cover and the vent planar member and to prevent fluid from leaking past the filter in any direction (see entire document, particularly Col. 6 lines 16-21) as well as to form a unitary structure comprised of these three planar members (see Col. 6 lines 22-30).

Thus, it would have been obvious to one of ordinary skill in this art at the time of invention to provide a locking mechanism that urges a cover ridge into the vent planar member with a positive force in the device of Williams as an alternate securing means/form which urges one member into another in order to retain a sheet , to form a tight seal to only allow entry of a fluid through the filter as well as to form a unitary structure when in an assembled state for ease in handling as exemplified by Gabriel.

As to Claim 5, Williams ('913) discloses the vent filter seal wherein said cover vent (46, 48) and the container vent (62, 64) are spaced apart a distance greater than the thickness of the filter (85) when said filter cover (70) is operatively secured in place

whereby lateral movement of sterilization media between the container vent (62, 64) and said cover vent (46, 48) is facilitated (see Figures 4 and 6).

Lorenz ('311) also discloses that the vent filter seal wherein said filter cover (14) and the container planar surface (48) containing vent (see Figure 4) are spaced apart a distance greater than the thickness of the filter (18) when said filter cover (14) is locked onto the container (10, 12) (see Figure 4).

As to Claim 6, while Williams ('913) discloses the vent filter seal wherein a vent (52, 50) is comprised of a pattern of holes (50) through the container (C) and a filter cover (70) further comprises a pattern of holes (74) through said cover (70) within the area defined by said seal ridge (opposite side of the recess/groove 77) and wherein the holes (50) of the vent (52) and said holes (74) of said filter cover (70) are offset relative to each other when said filter cover (70) is secured in place (see Figures 1 and 4-6) and that the container vent (62, 64) is a pattern of holes (64) through the vent planar member (60) and further wherein said cover vent (46, 48) is a pattern of holes (48) through said filter cover (6) within the area defined by said cover ridge (top side of 47), Williams ('913) does not appear to specifically teach that the holes (64, 48) of container vent (62, 64) and the cover vent (46, 48) are offset relative to each other. However, as Williams ('913) does teaches a configuration of offset vent holes in another vent filter seal, it would have been well within the purview of one of ordinary skill in this art at the time of invention to provide this offset configuration so that the holes (64) of the container vent (62, 64) and said holes (48) of said filter cover (6) are offset relative to

each other when said filter cover (6) is secured in place as an equivalent but alternate vent hole configuration for the vent filter seal. Only the expected results would be attained.

Thus, Claims 4-6 would have been obvious within the meaning of 35 U.S.C. 103(a) over the combined teachings of Williams ('913), Lorenz ('311) and Gabriel ('741).

17. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams (4915913) in view of Lorenz (4551311) as applied to claim 1 above, and further in view of Stolzman (5361928).

Williams ('913) and Lorenz ('311) are relied upon for disclosure described in the rejection of claim 1 under 35 U.S.C. 103(a).

While Lorenz ('311) discloses a gasket with a rectangular cross-section that forms a part of the vent filter seal for a sterilization container, Lorenz ('311) does not appear to specifically teach that the gasket has a generally concave cross-section.

It was well known in the art (in the area of using gaskets for sealing closures) at the time of invention to utilize gaskets of various shapes/cross-sections. Stolzman ('928) exemplifies a closure assembly comprised of a concave cross-sectioned gasket (40) secured wholly within a recess where it is protected against damage in order to provide a seal between two parts (see entire document, particularly Figures 2-5). It would have been obvious to one of ordinary skill in this art at the time of invention to provide a gasket of a concave cross-section in the vent filter seal of Williams as modified by

Lorenz in order to provide an alternate gasket configuration for sealing two parts to prevent entry of contaminants (such as the container and the filter cover) as exemplified by Stolzman.

Thus, Claim 13 would have been obvious within the meaning of 35 U.S.C. 103(a) over the combined teachings of Williams ('913), Lorenz ('311) and Stolzman ('928).

### ***Response to Arguments***

18. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

19. Applicant's arguments filed 2/07/2008 have been fully considered but they are not persuasive.

As to Applicant's position that the primary reference of Williams does not disclose features listed as (a)-(e), Examiner would disagree and would point out that certain features listed (a)-(e) are taught by the primary reference of Williams and all the features have been taught by the combined teachings of Williams and Lorenz as discussed in above rejections (specifically for claim 1).

As to Applicant's arguments that "recesses 54 and 77 are not provided to form a seal....amount to nothing more than hindsight reconstruction" and that "Williams' invention is not directed to a seal or a filter, but rather to the locking mechanism which secures the lid of the container to the body of the container", Examiner would point out MPEP § 2114 which specifies that apparatus claims must be structurally distinguishable from the prior art rather than functionally and if the prior art apparatus teaches all the

structural limitations of the claim, then the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus taught by the combined teachings of Williams and Lorenz as discussed above.

As to Applicant's argument regarding "in evaluating Lorenz, it is critical that the limitation against which it is cited fully considered...Lorenz does not teach any of these claim limitations", this argument is moot as it is noted that the limitation argued is taught by the combined teaching of Williams and Lorenz where the portion of limitation regarding the recess in an interior surface of a planar member has been met by Williams (and Lorenz with respect to claims 1 and 15) as discussed above and Lorenz is cited to meet the portion of limitation directed to gasket being secured wholly within a recess as discussed above.

In addition, Applicant's arguments regarding Lorenz that the "gasket 52 is not wholly within any recess, but rather sits on top of flat element 24 where it is fully exposed, Examiner would point to the rejection above where Examiner points out that the gasket 52 is located wholly within a recess formed by flat element 24 where 26 and 22 form sidewalls of the recess as shown in Figure 4 since no portion of the gasket 52 protrudes beyond the recess so formed.

Finally, Applicant's arguments, that "the upper barrier plate member 70 is not capable of being tightened and compressed to the cover member C by the structure 80 to form a seal" as the planar members are secured to a common member to maintain a fixed distance apart, are moot in view of the new grounds of rejection above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to REGINA YOO whose telephone number is (571)272-6690. The examiner can normally be reached on Monday-Friday, 10:00 am - 7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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/Leigh McKane/  
Primary Examiner, Art Unit 1797

RY